

PART 2. PUBLIC PARKS

Sec. 190.26. Defined.

As used in this Part the term "County park" shall mean land owned, maintained or operated by the Board of County Commissioners and designated as a "County park" by a resolution or any land which has been dedicated for use as a County park which has been accepted by the Board. Included in the definition of the term "County park" are all natural resources, wildlife, facilities, improvements, waters and materials in, on or under the lands so designated. Properties in the County system of trails are intended to be designated as County parks. All public parks designated by the Board on the effective date of this Article shall be County parks.

(SCC, § 12-37, 9-27-77; Ord. No. 98-17, § 2, 3-10-98)

Sec. 190.27. Hours of operation.

(a) All County parks shall be open during such hours as are set forth in rules promulgated by the County Manager. This Section shall not apply to County boat ramps to which access is not restricted or the use of which requires a permit issued by the County office designated by the County Manager.

(b) The County Manager may delegate the power to establish hours of operations at County parks or a particular park or particular parks to such County employee as the County Manager deems appropriate.

(c) The Parks and Recreation Manager, or his or her designee, may close such County park or parks as he or she deems appropriate in the event of an emergency or an eminent threat to the public health, safety or welfare.

(Ord. No. 71-6, § II(1), 12-28-71; SCC, § 12-38, 9-27-77; Ord. No. 98-17, § 3, 3-10-98)

Sec. 190.28. Traffic.*

***Cross references:** Traffic, Ch. 250.

(a) The State Uniform Traffic Control Laws, Chapter 316, Florida Statutes, are incorporated by reference and made a part of this Part and shall apply to the operation of all motor vehicles, as defined in Chapter 316, on streets and roads in all County parks, unless modified herein. Law enforcement officers and County employees designated by the County Manager are hereby authorized to direct traffic whenever necessary within County parks.

(b) It is unlawful to operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, trail, parking area or other area unless it has been designated for such use by the County Manager.

(c) It is unlawful to cause any vehicle for hire to stand upon any part of a County park for the purpose of soliciting passengers.

(d) It is unlawful to drive a vehicle at a rate of speed exceeding ten miles per hour in any County park unless the County Manager, or his or her designee, has posted a greater speed limit.

(e) It is unlawful to park any vehicle in or on an area within a County park which has not been designated for parking.

(f) It is unlawful to enter or exit from any park in any vehicle except at entrances and exits designated for such purpose by the County Manager.

(Res. of 5-18-76; SCC, § 12-39, 9-27-77; Ord. No. 98-17, § 4, 3-10-98)

Sec. 190.29. Pollution and litter.

(a) It is unlawful to throw or place or cause to be thrown or placed, any litter dirt, filth, or foreign matter into the waters of any lake, pond, pool, river, inlet, tank or reservoir in any County park or on the grounds of any County park.

(b) It is unlawful to cause any pollutant, as defined in Sections 206.9925, 376.031 and 376.301, Florida Statutes, to be placed in or to otherwise pollute the lands or waters of a County park.

(Res. of 5-18-76; SCC, § 12-40, 9-27-77; Ord. No. 98-17, § 5, 3-10-98)

Sec. 190.30. Removal of natural resources.

(a) It is unlawful to remove any beach sand, whether submerged or not, any soil, rock, stones, plants, wood, flora, fauna or their materials from a County park unless issued a general or specific permit to do so by the County Manager for the purposes of educational activities or good husbandry.

(b) It is unlawful to cause or make any excavation by tools, equipment, blasting or other means or agency at a County park unless issued a general or specific permit to do so by the County Manager for the purposes of educational activities or good husbandry.

(Res. of 5-18-76; SCC, § 12-41, 9-27-77; Ord. No. 98-17, § 6, 3-10-98)

Sec. 190.31. Firearms/fireworks/destructive devices/weapons.

(a) It is unlawful to carry, fire or discharge any destructive device, explosive, weapon, or firearm, as those terms are defined in Sections 258.156 and 790.001 (including, however, in this prohibition, the items excepted as destructive devices and antique firearms), Florida Statutes, or any fireworks, as defined in Section 791.01, Florida Statutes, of any description in a County park. This provision shall not make it unlawful for a person to carry a concealed weapon or firearm when in possession of a license to do so in accordance with Section 790.06, Florida Statutes, and in a manner authorized by law; to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is engaged in fishing, camping or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition; or to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is traveling by private conveyance and has securely encased the firearm, weapon, ammunition and supplies or is traveling in a public conveyance when the firearm, weapon, ammunition and supplies are securely encased and not in the person's manual possession.

(b) The County Manager may issue permits to carry firearms for events such as the reenactment of battles and military salutes if conditions are placed on such events such as, by way of example, the use of blanks. Law enforcement officers are hereby provided a general permit to carry issued firearms when in the course and performance of their lawful duties.

(Res. of 5-18-76; SCC, § 12-42, 9-27-77; Ord. No. 98-17, § 7, 3-10-98)

Sec. 190.32. Hunting/wildlife preservation and conservation.

(a) It is unlawful to harass, hunt, catch, harm, kill, trap, shoot, shine lights at or throw missiles at any animal, reptile or bird in any County park.

(b) It is unlawful to remove or have in his or her possession any wild reptile, bird or animal or the eggs or nest of young reptile or bird which is or was located in a County park.

(c) It is unlawful to introduce or leave any wild animal into or at a County park.

(d) The County Manager may issue permits to allow activities and actions that are otherwise contrary to the provisions of this Section if the County Manager determines that the activities and actions will be accomplished for management, scientific or husbandry purposes and are consistent with the public interests.

(Res. of 5-18-76; SCC, § 12-43, 9-27-77; Ord. No. 98-17, § 8, 3-10-98)

Sec. 190.33. Domestic animals.

(a) It is unlawful to allow any pet or domestic animal, as defined in Sections 585.01 and 823.041, Florida Statutes, under a person's care, custody or control into any County park unless the rules promulgated by the County Manager with regard to the particular County park specifically authorize such animals to be present.

(b) It is unlawful to introduce or leave any domestic animal, as defined in Sections 585.01 and 823.041, Florida Statutes, into or at a County park.

(c) The rights of persons to use dog guides, service dogs or nonhuman primates of the genus Cebus, in accordance with the provisions of Section 413.08, Florida Statutes, shall not be violated or abridged by application of the provisions of this Section.

(Res. of 5-18-76; SCC, § 12-44, 9-27-77; Ord. No. 98-17, § 9, 3-10-98)

Sec. 190.34. Alcoholic beverages.

No person shall possess or consume any alcoholic beverage or beverages, as defined in Sections 856.015 and 561.01, Florida Statutes, in any County park unless a permit is issued by the County Manager for a particular event occurring in a County park.

(Res. of 5-18-76; SCC, § 12-45, 9-27-77; Ord. No. 98-17, § 10, 3-10-98)

Sec. 190.35. Trespass.

(a) No person shall enter or remain in a County park without a permit when a County park is closed.

(b) No person shall enter or remain in the park after such person receives notice of closing hours from the park employees.

(Res. of 5-18-76; SCC, § 12-46, 9-27-77; Ord. No. 98-17, § 11, 3-10-98)

Sec. 190.36. Fires.

It is unlawful to ignite, set or maintain any fire in a County park unless such fire is within an area designated for fires in signage and postings displayed at the County park.

Included in this prohibition are activities such as the use of portable cooking equipment of whatever type or nature.

(Res. of 5-18-76; SCC, § 12-47, 9-27-77; Ord. No. 98-17, § 12, 3-10-98)

Sec. 190.37. Camping and sleeping.

It is unlawful to sleep, camp, lodge or park a vehicle overnight in a County park without a permit or, upon obtaining a permit, to sleep, camp, lodge or park a vehicle overnight in an area not designated for such purposes in signage and postings displayed at the County park. No permit or series of permits shall be issued for a period exceeding seven consecutive days.

(Res. of 5-18-76; SCC, § 12-48, 9-27-77; Ord. No. 98-17, § 13, 3-10-98)

Sec. 190.38. Signs/defacement of trees, etc.

(a) It is unlawful to post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, gate or any other physical object located in a County park any sign, poster or printed matter.

(b) It is unlawful to mark, deface, disfigure or injure any tree, building, equipment, property or facility located on a County park.

(Res. of 5-18-76; SCC, § 12-49, 9-27-77; Ord. No. 98-17, § 14, 3-10-98)

Sec. 190.39. Noise.

(a) It is unlawful to use any loudspeaker or other amplifying equipment in any County park without a permit issued by the County Manager or his or her designee.

(b) It is unlawful to play any musical instrument or engage in any activity in such a manner as creates a nuisance or disturbance in a County park.

(Res. of 5-18-76; SCC, § 12-50, 9-27-77; Ord. No. 98-17, § 15, 3-10-98)

Sec. 190.40. Reserved.

(Res. of 5-18-76; SCC, § 12-51, 9-27-77; Ord. No. 98-17, Repealed, § 16, 3-10-98)

Sec. 190.41. Peddling/Distribution of materials.

(a) It is unlawful to engage in any commercial activity or sell or offer for sale any tangible or intangible object, merchandise or thing, or solicit for any trade, occupation, business or profession for any consideration within a County park without a permit issued by the County Manager or his or her designee.

(b) It is unlawful to distribute any printed or other material to the public at a County park. The purpose of this provision is not to prohibit speech that may be protected under the provisions of law, but to regulate material that is likely to be littered on County park property and to protect the natural resources held in the public trust.

(Res. of 5-18-76; SCC, § 12-52, 9-27-77; Ord. No. 98-17, § 17, 3-10-98)

Sec. 190.42. Injuring, interfering with, etc., buildings and other property.

It is unlawful to mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part or appurtenance thereof, sign, notice, or placard whether temporary or permanent, monument, stake, post, or other structure, equipment or any facilities, property or appurtenances whatsoever, located at a County park.

(Res. of 5-18-76; SCC, § 12-53, 9-27-77; Ord. No. 98-17, § 18, 3-10-98)

Sec. 190.43. Interference with personnel.

It is unlawful to interfere with, hinder, or oppose any law enforcement officer or County officer, agent or employee in the discharge of his or her duties or with the enforcement of this Part.

(Res. of 5-18-76; SCC, § 12-54, 9-27-77; Ord. No. 98-17, § 19, 3-10-98)

Sec. 190.44. Authorization for County Manager to promulgate rules.

(a) The County Manager is hereby delegated authority to promulgate rules supplemental to the provisions of this Part and the violation of such rules shall constitute a violation of this Part.

(b) In addition to matters otherwise provided for in this Part, the rules of the County Manager may pertain to the rules for the appropriate and harmonious use of County trails consistent with the multiple uses that will be authorized on the trails, the location of particular recreational activities and other activities at County parks, whether parks are to be used for active or passive recreational activities, access management with regard to traffic control and management within County parks, the operation of motor vehicles and other forms of transportation within County parks, pollution and litter within County parks, the harming or removal of animals or natural resources within or from County parks, the use of dangerous instrumentalities within County parks, the use of alcoholic beverages within County parks, hunting and fishing within County parks, domestic animals within County parks, use of County park property and the conditions relating thereto, trespass upon and disturbance within County parks, disorderly conduct and loitering within County parks, fires and illumination within County parks, and such other related matters which address the protection of public property located in and good order in County parks.

(c) The provisions of this Part and the rules adopted by the County Manager shall be posted at a conspicuous place in each County park.

(d) A general condition of each permit to use a County park is that the permittee shall abide by and adhere to the provisions of this Part and the rules promulgated by the County Manager.

(e) The County Manager shall ensure that the appropriate County office reviews the use of and conditions within each County park in order to minimize public liability relating County parks.

(f) The County Manager shall ensure that the appropriate County office reviews the use and condition of each County park to ensure compliance with the Americans With Disabilities Act where applicable.

(Ord. No. 97-18, § 20, 3-10-98)

Sec. 190.45. Penalties/other remedies.

(a) Violation of the provisions of this Part or the rules promulgated by the County Manager under the provisions of this Ordinance shall be punishable by a fine not to exceed \$500.00 and imprisonment in the John E. Polk Correctional Facility for a period not to exceed 60 days.

(b) The County may seek additional remedies for violations of the provisions of this Ordinance and the rules promulgated by the County Manager to include any and all

remedies authorized by State law such as, by way of example only, injunctive relief or debarment from the use of County parks.

(Ord. No. 97-18, § 21, 3-10-98)

Secs. 190.46--190.75. Reserved.

PART 3. BOATS

ARTICLE I. BOATING AND OTHER RELATED WATER ACTIVITIES*

***State law references:** The Florida Boat Registration and Safety Law, § 327.01, F.S., et seq.

Sec. 190.76. Definitions.

The definitions set forth in Section 327.02, Florida Statutes (1995), as amended on the effective date of this Ordinance, are hereby adopted with regard to the application of this Part; provided, however, that except for Section 190.116 this Part shall not apply to nonmotorized vessels.

Towed or Pulled Object or Device: Includes water skis, tubes and other similar objects that are towed or pulled behind vessels.

Waters of Seminole County: Any and all navigable waters, including all inland lakes, rivers, canals or other waterways and all other bodies of water or waterways upon which a vessel, aquaplane or similar device may be operated.

(Ord. No. 72-8, § 3, 8-15-72; SCC, § 12-16, 9-27-77; Ord. No. 96-15, § 1, 10-8-96)

Sec. 190.77. Reckless operation*

***State law references:** Similar provisions, § 327.33, F.S.

(a) It is unlawful for any person to operate a vessel, aquaplane or similar device or a towed or pulled object or device in a reckless or careless manner. Reckless operation or manipulation of a vessel, aquaplane or similar device, or a towed or pulled object or device means operation or manipulation in willful or wanton disregard for the safety of persons or property, or without due regard, caution and circumspection, or at a speed or in any manner as to endanger or injure, or which is likely to endanger or injure life or limb of any person, or damage the property of any person.

(b) Every operator of any vessel, aquaplane or similar device, or a towed or pulled object or device on any water of Seminole County shall at all times operate and navigate the same in a careful and prudent manner at such rate of speed as not to endanger the property of another, or the life or limb of any person. Such operation shall not unreasonably interfere with the free and proper use of such waters of Seminole County by other persons, other vessels, bathers, persons engaged in fishing, objects in or on said waters, or natural conditions then existing.

(Ord. No. 72-8, § 5(a), 8-15-72; F.S. § 327.33; SCC, § 12-17, 9-27-77; Ord. No. 96-15, § 3, 10-8-96)

Sec. 190.78. Speed when meeting or overtaking vessels.

It is unlawful for any person operating or manipulating a vessel, aquaplane or similar device to meet or overtake any other boat or vessel without slowing his or her speed so as not to endanger any person or property on said boat or vessel.

(Ord. No. 72-8, § 5(b)(2), 8-15-72; SCC, § 12-18, 9-27-77; Ord. No. 96-15, § 4, 10-8-96)

Sec. 190.79. Creating wakes.

It is unlawful for any person to operate or manipulate a vessel, aquaplane or similar device or for any owner to allow another person to operate or manipulate a vessel or aquaplane or similar device owned by him or her, in any waters at any speed as shall create a wake harmful to persons or property on or near the shore.

(Ord. No. 72-8, § 4, 8-15-72; SCC, § 12-19, 9-27-77; Ord. No. 96-15, § 5, 10-8-96)

Sec. 190.80. Setting and posting speed limits.

(a) Consistent with the provisions of Section 190.117, the Board of County Commissioners may, by duly adopted resolution, establish such reasonable speed limits for any or all waters of Seminole County, and the Sheriff is hereby authorized to post such limits upon direction by said Board.

(b) The terms and provisions of Chapter 65-2266, Laws of Florida, are ratified and affirmed. The provisions of said special act and the provisions of this Code shall be construed in harmony.

(Ord. No. 72-8, § 4, 8-15-72; SCC, § 12-20, 9-27-77; Ord. No. 96-15, § 6, 10-8-96)

Sec. 190.81. Speed generally.

It is unlawful for any person to operate a vessel, aquaplane or similar device, or a towed or pulled object or device, at excessive speed with regard to the prevailing

conditions or in excess of the speed limits set and ordered posted by the Board of County Commissioners.

(Ord. No. 72-8, § 5(b)(1),(7), 8-15-72; SCC, § 12-21, 9-27-77; Ord. No. 96-15, § 7, 10-8-96)

Sec. 190.82. Operation near swimmers.

It shall be unlawful for any person to operate a vessel, aquaplane or similar device or a towed or pulled object or device in an area known by him or her to be frequented by swimmers where there is reason to believe that said swimmers might be endangered by such operation by the vessel, aquaplane or similar device.

(Ord. No. 72-8, § 5(b)(3), 8-15-72; SCC, § 12-22, 9-27-77; Ord. No. 96-15, § 8, 10-8-96)

Sec. 190.83. Operation in area marked by diver's flag.

It is unlawful for any person to operate a vessel, aquaplane or similar device in an area marked by a diver's flag.

(Ord. No. 72-8, § 5(b)(4), 8-15-72; SCC, § 12-23, 9-27-77; Ord. No. 96-15, § 9, 10-8-96)

Sec. 190.84. Wearing of personal flotation devices.

It is unlawful for any person to operate a vessel with any person aboard who is not wearing a U.S. Coast Guard approved personal flotation device, when required to wear such device by Federal or State law.

(Ord. No. 72-8, § 5(b)(7), 8-15-72; SCC, § 12-24, 9-27-77; Ord. No. 96-15, § 10, 10-8-96; Ord. No. 98-20, § 1, 3-24-98)

Sec. 190.85. Location of certain passengers.

It is unlawful for any person to operate a vessel with any person under the age of ten years located on the bow unless the vessel is so constructed by the manufacturer so as to provide seats below gunwale level in this portion of the vessel; provided, however, that this Section shall not apply to vessels where the only seating thereon is above gunwale level.

(Ord. No. 72-8, § 5(b)(5), 8-15-72; SCC, § 12-25, 9-27-77; Ord. No. 96-15, § 11, 10-8-96)

Sec. 190.86. Watercraft.

It is unlawful for any person to operate or give permission for the operation of any vessel on the waters of Seminole County, in such a manner as to exceed a 90 dB A sound level at a distance of 50 feet from the vessel.

(Ord. No. 92-19, § 3, 11-10-92; Ord. No. 96-15, § 2, 10-8-96)

Sec. 190.87. Effect of Ordinance.

The provisions of Ordinance No. 96-15 are intended to supplement the provisions of any special act relating to the subject matters herein addressed. They are not intended to repeal the provision of any special act.

(Ord. No. 96-15, § 19(b), 10-8-96)

Secs. 190.88--190.100. Reserved.

ARTICLE III. BOAT SAFETY

Sec. 190.111. Operation of internal combustion engine.

It is unlawful to operate on any of the lakes or waters of Seminole County any vessel propelled, in whole or in part, by any internal combustion engine, unless said engine is equipped with a stock factory muffler, underwater exhaust, or other muffler, or improved device in proper working order and capable of adequately muffling the noise of the explosion of such engine, and is unlawful to operate on any of said lakes or waters, except as hereinafter provided, any vessel propelled, in whole or in part, by any internal combustion engine, unless the muffling device thereof is kept closed at all times such engine is in operation.

(Ch. 65-2266, Laws, § 1, 6-1-65; Ord. No. 96-15, § 12, 10-8-96)

Sec. 190.112. Repealed.

Editor's note: This Section was repealed by Ordinance No. 96-15. In essence, this Section may now be found at Section 190.77(b).

Sec. 190.113. Accidents.

The operator of any vessel, aquaplane or similar device in any waters of Seminole County involved in an accident resulting in injury or death to any person, or in damage to property, shall immediately stop such vessel, aquaplane or similar device at the scene of such accident and shall give his or her name, address, full identification of the vessel, aquaplane or similar device and the name and address of the owner, to the person struck or the operator or occupants of the vessel, aquaplane or similar device collided with, and shall render to any person injured in such an accident reasonable assistance to the nearest or most convenient law enforcement agency or office.

(Ch. 65-2266, Laws, § 3, 6-1-65; Ord. No. 96-15, § 14, 10-8-96)

Sec. 190.114. Operation in bathing, swimming or launching areas.

It is unlawful to navigate or operate on any waters of Seminole County, any vessel, aquaplane or similar device in any bathing, swimming or launching area at a speed creating a wake. The term "bathing, swimming or launching area" shall include any area within 50 yards of the shoreline, docks, piers, bridges or boathouses, or any other object arising from the water (excluding ski jumps or slalom courses) except when picking up or dropping off a waterskier in a manner otherwise consistent with this Code and State law. The 50-yard distance shall be measured from the vessel, aquaplane or similar device or from any extension thereof including, but not limited to, a skier, or other device being towed. This Section does not apply to the Florida Intracoastal Waterway as defined in Chapter 327, Florida Statutes. This Section shall not apply to any river within the jurisdiction of Seminole County, unless the area has been clearly designated by use of buoys, stakes, or markers as a bathing, swimming or launching area. This Section does not apply to law enforcement vessels when contrary operation is necessary to the performance of their duties.

(Ch. 65-2266, Laws, § 4, 6-1-65; Ord. No. 96-15, § 15, 10-8-96; Ord. No. 98-20, § 2, 3-24-98)

Sec. 190.115. Operation; alcoholic beverages.

It is unlawful for any person to navigate or operate any vessel, aquaplane or similar device on any of the waters of Seminole County while under the influence of

alcoholic beverages or intoxicating liquor, or in an otherwise impaired or intoxicated condition.

(Ch. 65-2266, Laws, § 5, 6-1-65; Ord. No. 96-15, § 15, 10-8-96)

Sec. 190.116. Lights on boat.

All persons at anchor after sundown or operating any vessel, aquaplane or similar device in any waters of Seminole County after sundown must display a light which can be seen by passing boats. The light must comply with U.S. Coast Guard Regulations.

(Ch. 65-2266, Laws, § 6, 6-1-65; Ord. No. 96-15, § 17, 10-8-96; Ord. No. 98-20, § 3, 3-24-98)

Sec. 190.117. Powers of Board of County Commissioners.

The Board of County Commissioners of Seminole County is authorized and empowered to and may:

- (1) Prescribe speed limits of such boats in any areas within said County;
- (2) Prescribe areas wherein such boats may not operate;
- (3) Prescribe areas to be used exclusively for swimming or other public purposes;
- (4) Require all watercraft propelled by gasoline or other internal combustion engines to be equipped with mufflers, underwater exhausts, or other suitable devices to deaden sound;
- (5) Prescribe any other reasonable rules or regulations for the operation of motorboats as may be necessary and proper for the safety and welfare of the public generally; provided, however, that each and every such rule or regulation shall be valid only if it shall set forth therein with reasonable accuracy the specifically defined area or areas to be affected by each such regulation.

(Ch. 65-2266, Laws, § 7, 6-1-65)

Sec. 190.118. Arresting violators.

Any officer duly authorized to make arrests may, and it shall be his duty to, arrest without warrant, any person violating any of the provisions of this Act in his presence.

(Ch. 65-2266, Laws, § 8, 6-1-65)

Sec. 190.119. Penalty/Enforcement.

(a) Any person, firm or corporation violating any provision of Chapter 190 shall, upon conviction, be punished as provided in Section 125.69, Florida Statutes, or its successor provisions.

(b) A separate offense shall be deemed committed on each day during or on which a violation occurs or shall continue.

(c) The sheriff of Seminole County is hereby authorized and directed to enforce the provisions of Chapter 190.

(Ch. 65-2266, Laws, § 9, 6-1-65; Ord. No. 96-15, § 18, 10-8-96)

Secs. 190.120--190.130. Reserved.

ARTICLE IV. BOATING SAFETY/IDLE SPEED/NO WAKE ZONES

Sec. 190.131. Legislative findings.

The Board of County Commissioners of Seminole County finds that:

(a) Section 327.60, Florida Statutes, relates to local regulations pertaining to vessels and limitations on local governments as to the regulation of vessels; and

- (b) Section 327.60, Florida Statutes, provides, in pertinent part, that nothing in the State Statutes providing for the regulation of vessels "shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter (Chapter 327, Florida Statutes) or any amendments thereto or regulations thereunder"; and
- (c) The statutory definition set forth at Section 327.02(10), Florida Statutes, provides that the Florida Intracoastal Waterway includes "the St. Johns River, Jacksonville to Sanford"; and
- (d) Section 327.22, Florida Statutes, provides additional authority for the local regulation of vessels; and
- (e) Chapter 65-2266, Laws of Florida (1965), provides that the Board of has the authority and power to prescribe speed limits for vessels in any area within the County, prescribe areas within the County where vessels may not operate, and otherwise regulate the use of vessels in the County; and
- (e) There are certain areas within the County that are of interest to the Volusia County Council in order that coordination of speed limits on waters acting as boundaries between the counties can occur; and
- (f) The Florida Department of Environmental Protection previously adopted Rule 62-24.018, Florida Administrative Code, relating to the operation of vessels in certain areas of Seminole County such as Lake Monroe, Lake Jessup, Lemon Bluff and the Osteen Bridge, but the enactment of this Article will provide for local control and regulation of these areas; and
- (g) The provisions of this Article do not conflict in any way with the rules adopted by the Florida Department of Environmental Protection; and
- (h) The areas set forth in this Article warrant increased controls with regard to the speed of vessels utilizing the areas and that the areas of protection within Seminole County which have been established as boating restricted areas should be enforceable as an ordinance violation; and
- (i) The Economic Impact Statement required by the Seminole County Home Rule Charter has been prepared and has been made available for public review and copying prior to the enactment of this Article.
- (Ord. No. 97-19, § 1, 5-27-97)

Sec. 190.132. Definitions.

Idle Speed/No Wake indicates a boating restricted area which has been established to protect the safety of the public. Idle Speed/No Wake means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

Miles per hour means speed made good over the bottom measured in statutes miles.

Slow Speed/Minimum Wake and *Slow Down/Minimum Wake* indicate a boating restricted area which has been established to protect the safety of the public. "Slow Speed/Minimum Wake" and "Slow Down/Minimum Wake" mean that a vessel must be fully off plane and completely settled into the water. It may not proceed at a speed greater than that speed which is reasonable and prudent to avoid the creation of an excessive wake or other hazardous condition under the existing circumstances.

A vessel that is:

- (1) Operating on a plan is not proceeding at slow speed/minimum wake;

- (2) In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at slow speed/minimum wake;
- (3) Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels is not proceeding at a slow speed/minimum wake;
- (4) Completely off plane and which has fully settled into the water and is proceeding without wake or with minimum wake is proceeding at slow speed/minimum wake.

"Slow Speed/Minimum Wake" is the preferred term. "Slow Down/Minimum Wake" may continue to be used except when such a restricted area is contiguous to an Idle Speed/No Wake boating restricted area.

Wake means all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash.

(Ord. No. 97-19, § 2, 5-27-97)

Sec. 190.133. Boating safety/idle speed/no wake zones.

(a) The following boating safety/idle speed/no wake zones are established:

(1) An idle speed/no wake zone is hereby established at the Cameron Wight Park Bridge (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River under the said Bridge and north of the Bridge to the location of the utility line guy wire on the east bank of the Cut and 100 feet south of the Bridge to the east and west banks of the Cut,
as depicted in Sketch "A".

(2) An idle speed/no wake zone is hereby established in the area of JJ's Fish Camp (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River and the Cove at JJ's Fish Camp from 100 feet West of the entrance to JJ's Fish Camp to 2,000 feet Easterly along the River,
as depicted in Sketch "A".

(3) An idle speed/no wake zone is hereby established at the C.S. Lee Park Bridge (east of Sanford, Florida) in the area generally described as:

All that part of the Saint Johns River under the said Bridge and from the Bridge northward to Lindsey's Fish Camp and 150 feet north of Lindsey's Fish Camp and 50 feet south of the Bridge all being in the main channel of the Seminole County Side of the main channel,
as depicted in Sketch "B".

(4) A 25-mile per hour speed limit is hereby established in the Lemon Bluff and more generally described as:

All that part of the Saint Johns River from the Southern terminus of Lemon Bluff Road to 3,800 feet Southerly along the River,
as depicted in Sketch "C".

(5) The sketches attached hereto and depicting the areas referred to in subsections (1) through (4) are hereby incorporated into this Article.

(b) This Article is not intended to impart or modify the boating safety/idle speed/no wake zones established in Rule 62N-24.018-(12), Florida Administrative Code, with regard to the Osteen Bridge/State Road 415 area, or the Lemon Bluff area.

(Ord. No. 97-19, § 3, 5-27-97)

Sec. 190.134. Signage.

(a) The Department assigned roads and related functions by the County Manager shall prepare, install and maintain appropriate signage at all areas within Seminole County to provide notice of the rules adopted by the Florida Department of Environmental

Protection, the provisions of this Article, and such other locations as may result from any collaborative agreements between Seminole County and Volusia County.

(b) The placement of signage shall be coordinated with the Seminole County Sheriff and, when applicable, appropriate staff from Volusia County.

(Ord. No. 97-19, § 4, 5-27-97)

Sec. 190.135. Intercounty cooperation.

The appropriate staff as designated by the County Manager shall engage in ongoing communications with the appropriate staff of Volusia County to insure that the two counties understand one another's needs and concern relative to boating safety issues of mutual concern to the counties.

(Ord. No. 97-19, § 5, 5-27-97)

Sec. 190.136. Annual report.

The Seminole County Sheriff shall issue an annual report to the Board of County Commissioners relative to the state of boating safety in Seminole County.

(Ord. No. 97-19, § 6, 5-27-97)

Sec. 190.137. Penalties.

The violation of the boating safety/no wake zones set forth in Sections 190.131--190.136 shall be punishable by the maximum fines and penalties authorized by State law for the violation of a County ordinance.

(Ord. No. 97-19, § 7, 5-27-97)

Secs. 190.138--190.140. Reserved.

ARTICLE V. ECONLOCKHATCHEE RIVER

WHEREAS, Section 327.60, Florida Statutes, relates to local regulations pertaining to vessels and limitations on local governments as to the regulation of vessels; and

WHEREAS, Section 327.60, Florida Statutes, provides, in pertinent part, that nothing in the State Statutes providing for the regulation of vessels "shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this Chapter (Chapter 327, Florida Statutes) or any amendments thereto or regulations thereunder"; and

WHEREAS, the statutory definition set forth at Section 327.02(10), Florida Statutes, provides that the Florida Intracoastal Waterway includes "the St. Johns River, Jacksonville to Sanford", but does not include any portion of the Econlockhatchee River; and

WHEREAS, Section 327.22, Florida Statutes, provides additional authority for the local regulation of vessels; and

WHEREAS, Chapter 65-2266, Laws of Florida (1965), provides that the Board of County Commissioners has the authority and power to prescribe speed limits for vessels

in any area within the County, prescribe areas within the County where vessels may not operate, and otherwise regulate the use of vessels in the County; and

WHEREAS, the portion of the Econlockhatchee River to which this Ordinance pertains is located solely within the jurisdictional limits of Seminole County; and

WHEREAS, the provisions of this Ordinance do not conflict in any way with the rules adopted by the Florida Department of Environmental Protection; and

WHEREAS, the Board of County Commissioners has determined that the operational conditions existing on the zone set forth in this Ordinance warrant increased controls with regard to the speed of vessels utilizing the area and that the area of protection within Seminole County which is being established as boating restricted area shall be enforceable as an ordinance violation; and

WHEREAS, the Economic Impact Statement required by the Seminole County Home Rule Charter has been prepared and has been made available for public review and copying prior to the enactment of this Ordinance.

(Whereas, Ord. No. 98-37, 7-14-98)

Sec. 190.141. Legislative findings.

The above recitals (whereas clauses) are adopted as legislative findings relative to the enactment of this Article.

(Ord. No. 98-37, § 1, 7-14-98)

Sec. 190.142. Definitions.

The definitions set forth at Rule 62N-24.002, Florida Administrative Code, are hereby adopted into this Article as if fully set forth herein.

(Ord. No. 98-37, § 2, 7-14-98)

Sec. 190.143. Speed limit zone.

It is unlawful to operate a vessel at a speed in excess of five miles per hour (5 M.P.H.) on the following described part of the Econlockhatchee River:

All that part of the Econlockhatchee River located from the Section line between Sections 11 and 10, Township 21 South, Range 32 East Southward and Westward to the Seminole County/Orange County lines as depicted in the sketch attached to this Article and incorporated herein.

(Ord. No. 98-37, § 3, 7-14-98)

Sec. 190.144. Signage.

(a) The Traffic Engineer, or such other employee assigned by the County Manager, shall prepare, install and maintain appropriate signage at all areas within Seminole County to provide notice of the provisions of this Article.

(b) The placement of signage shall be coordinated with the Seminole County Sheriff.

(Ord. No. 98-37, § 4, 7-14-98)

Sec. 190.145. Annual report relating to Econlockhatchee River.

The Seminole County Sheriff shall issue an annual report to the Board of County Commissioners relative to the state of boating safety in Seminole County on the Econlockhatchee River.

(Ord. No. 98-37, § 5, 7-14-98)

Sec. 190.146. Penalties.

The violation of the speed limit set forth in this Ordinance shall be punishable by the maximum fines and penalties authorized by State law for the violation of a County ordinance.

(Ord. No. 98-37, § 6, 7-14-98)

Secs. 190.147--190.150. Reserved.

PART 4. NATURAL LANDS

Sec. 190.151. Legislative intent/use of natural lands by the public.

(a) The purpose of this Part is to establish regulatory provisions relating to the management and use of properties acquired or managed through the Seminole County Natural Lands Program. The purchase of Natural Lands was approved by the voters of Seminole County in November 1990 by means of their affirmative vote for a \$20,000,000.00 bond referendum. The Natural Lands Program has also participated in joint projects which may have resulted in the County not taking title to parcels, but, instead, has accepted management or other responsibilities. The County desires to preserve and manage these environmentally sensitive areas for their ecological value and the enjoyment of present and future citizens.

(b) Seminole County does not, by providing any of its Natural Lands for outdoor recreational purposes, extend any assurance that such areas or lands are safe for any purpose. The County will attempt to post known hazardous conditions. Users of Natural Lands take upon themselves the risks inherent in using undeveloped natural properties and the resulting and proximate events and conditions arising from the use of these wild and scenic lands.

(Ord. No. 98-18, § 1, 3-10-98)

Sec. 190.152. Definitions.

The following terms are provided with the following meanings for the purposes of this Part:

(a) *Exotic Species*.

(1) A species of plant as defined by Rule 14-40.002, Florida Administrative Code, and as defined by Rule 62-312.310, Florida Administrative Code.

(2) A species of animal not native to the area it is found in.

(b) *Motor Vehicle*. Any self-propelled vehicle as defined in Section 316.003(75), Florida Statutes, not operated upon roads or a guideway, but not including a bicycle.

(c) *Natural Lands*. Properties purchased or otherwise acquired or managed under Seminole County's Natural Lands Program. Said properties shall be described in a resolution adopted by the Board of County Commissioners which may be amended from time-to-time as the Natural Lands inventory changes.

(d) *Passive Recreation*. Non-consumptive recreation which focuses upon and is exclusively based on the natural resources present on a parcel of property which is accomplished with little or no impact to the resources. Authorized passive recreation uses are determined by the County in accordance with Section 190.154 of this Part.

(e) *Public Nuisance*. Any condition or act which tends to injure or unreasonably annoy the community or injures the health, safety, or welfare of the citizens in general whether or not contemplated or not by Chapter 823, Florida Statutes, or any other statutory provision.

(f) *Restoration*. To return back to a natural or preexisting condition.

(g) *Special Authorization Permit*. Written permission granted by the County to an individual or any group of individuals associated with an organization such as a church, school, club or scout troop to partake in an activity on Natural Lands.

(h) *Structure*. Anything constructed or installed, regardless of whether it is fixed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

(Ord. No. 98-18, § 2, 3-10-98)

Sec. 190.153. Hours of operation; access to and closure of natural lands.

(a) Natural Lands areas will be open each day from the period between sunrise and sunset unless posted otherwise. It is unlawful to access Natural Lands at an unauthorized time.

(b) Natural Lands may be accessed only at County designated access points at permitted times. It is unlawful to access Natural Lands at any place other than an access point posted for access.

(c) Natural Lands may be accessed only by permitted means. Unless posted for vehicular access it is unlawful to access Natural Lands by means of any motor vehicle or any other vehicle or to otherwise access Natural Lands by a means that is not posted for authorized access.

(d) Natural Lands may be closed for specific uses or all public use by the County Manager or his or her designee during any emergency conditions such as floods, severe weather, wildfire, prescribed burning, and during any land management or maintenance activity which may pose a threat to the public well being or when necessary to protect the natural economic functions of said lands.

(e) Natural Lands may be closed to the general public by the County Manager or his or her designee during research, study, surveying, tourist development, or data collection events or activities.

(f) The County shall provide notice, whenever practicable, of closings by posting signs at affected Natural Lands access points.

(Ord. No. 98-18, § 3, 3-10-98)

Sec. 190.154. Permitted uses on natural lands.

(a) The County shall, by resolution, promulgate a list of acceptable uses on each Natural Lands parcel. The promulgated list of uses shall be based on the master plan relating to the particular Natural Lands parcel which will address resource inventory, management philosophy and human use potential. Consideration of the following issues will be integrated into the Management and Use Plan:

- (1) Physical and biological components of the Natural Lands area.
- (2) Historical and recent land use.
- (3) Local and regional significance of the land.
- (4) Protection of natural resources.
- (5) Need for habitat restoration.
- (6) Use of prescribed burning.
- (7) Security requirements.
- (8) Relationship to adjacent land uses.
- (9) Access.
- (10) Environmentally acceptable opportunities to generate revenue to offset management expenses.
- (11) Management and control of exotic species.
- (12) Permanent concessions.
- (13) Potential and demand for passive recreation uses.
- (14) Ability to lease lands to generate management revenues without disrupting natural systems or impacting recreational values.
- (15) Potential use of caretakers for the beneficial and convenient management of lands.
- (16) Availability of the land for nonstructural stormwater management functions.
- (17) Use by persons with disabilities.
- (18) Other functions that can be served by the parcel.

(b) Prior to the promulgation and adoption of a list of permissible uses by the County, Natural Lands may be made available for limited public access by the County's Comprehensive Planning Manager for the following purposes:

- (1) Public assistance in assessing the lands for passive recreational use.
- (2) Resource inventory or restoration.
- (3) A special authorization permit issued in accordance with Section 190.157 of this Part.

(Ord. No. 98-18, § 4, 3-10-98)

Sec. 190.155. General provisions relating to use of Natural Lands.

(a) The following provisions relate to all Natural Lands parcels:

- (1) *Fishing.* Recreational fishing is allowed on Natural Lands unless restricted by signs and provided the appropriate permits from the Florida Game and Fresh Water Fish Commission are in possession of the user. It is unlawful to fish on Natural Lands for commercial purposes or to fish in an area at which a sign indicates that fishing is prohibited or to fish in a manner inconsistent with fishing restrictions set forth on a sign.
- (2) *Hiking.* Hiking is allowed only on designated trails in Natural Lands except where restricted by signs. It is unlawful to hike on Natural Lands in an area at which a sign indicates that hiking is prohibited.

(3) *Camping*. Camping is allowed only at designated campsites and only in accordance with a Special Authorization Permit. It is unlawful to camp on Natural Lands in an area which is not posted as being authorized for camping.

(4) *Horseback Riding*. Horseback riding is allowed on Natural Lands on designated horse or multi-use trails only. It is unlawful to ride horses on Natural Lands unless a sign indicates that horseback riding is permitted in the area or a Special Authorization Permit has been issued to do so.

(5) *Bicycling*. Bicycle riding is allowed on Natural Lands on designated bike and multi-use trails only. It is unlawful to ride bicycles on Natural Lands unless a sign indicates that bicycling is permitted in the area.

(6) *Hunting and Trapping*. It is unlawful to hunt for game or nongame animals, as defined in Section 372.001, Florida Statutes, or trap game or nongame animals on Natural Lands except when authorized by a special authorization permit for County initiated wildlife management purposes.

(7) *Pets*. Domestic animals are allowed on Natural Lands provided they are leashed at all times. It is unlawful to possess a domestic animal on Natural Lands without a leash being affixed to the animal and for the animal to be under the control of the Natural Lands user. It is unlawful for the person who has control over a pet to fail to immediately remove and dispose of animal wastes deposited by the pet on Natural Lands. Disposal of waste shall occur by placing the waste in designated waste containers.

(8) *Swimming*. It is unlawful to swim on Natural Lands except when an area is designated by signs to be a swimming area.

(9) *Plants and Animals Removal or Disturbance*. All plants and animals on Natural Lands are protected. It is unlawful to remove or destroy plants or to remove, destroy or harass animals except when authorized by a special authorization permit or for County initiated programs such as exotic species control, habitat restoration and other land management activities.

(10) *Archeological and Cultural Resources*. All cultural and archeological resources on Natural Lands are protected. It is unlawful to remove, alter or destroy such resources except when authorized by a special authorization permit.

(11) *Waste Disposal*. It is unlawful to dump or dispose of litter, as defined by Section 403.413(2)(a), Florida Statutes, or discharge waste or any hazardous substance on Natural Lands except in designated waste disposal containers.

(12) *Destruction of Facilities and Equipment*. It is unlawful to damage, destroy, remove or disturb any County facilities or equipment on Natural Lands.

(13) *Firearms*. It is unlawful to possess or use a firearm, as defined by Section 790.001(6), Florida Statutes, a concealed weapon whether concealed or not, as defined by Section 790.001(3), Florida Statutes; a destructive device, as defined by Section 790.001(4), Florida Statutes; an explosive, as defined by Section 790.001(5), Florida Statutes; fireworks, as defined by Section 791.01, Florida Statutes; on Natural Lands unless authorized by a special authorization permit or for County initiated land management activities. This provision shall not make it unlawful for a person to carry a concealed weapon or firearm when in possession of a license to do so in accordance with Section 790.06, Florida Statutes, and in a manner authorized by law; to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is engaged in fishing, camping or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition; or to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is traveling by private conveyance and has securely encased the firearm, weapon, ammunition and supplies or is traveling in a public conveyance when the firearm, weapon, ammunition and supplies are securely encased and not in the person's manual possession.

(14) *Posting or Distributing Handbills or Advertising Material.* It is unlawful to circulate, distribute, post, place or erect any handbills, circulars, notices, papers, advertisements, or signs on Natural Lands except when authorized by a special authorization permit or when County initiated notices are placed or posted.

(15) *Fires.* It is unlawful to ignite or maintain any fire on Natural Lands except for County initiated controlled burns, camp fires in permitted and designated camp areas, or when authorized by a special authorization permit.

(16) *Boating and Canoeing.* Launching of boats or canoes into waters contained within or through Natural Lands or from Natural Lands is permitted only at designated boat ramps or launch sites or by special authorization permit. It is unlawful to launch or operate boats on or from Natural Lands where not permitted.

(17) *Introduction of Plants and Animals.* It is unlawful to plant or deposit any plant, seed or animal upon Natural Lands unless permitted by the County or ~~when~~ accomplished as part of land management activities.

(18) *Use of Vehicles.* It is unlawful to possess or operate a motor vehicle or any other vehicle on Natural Lands outside of designated parking areas unless authorized by special authorization permit or while engaged in County initiated land management activities.

(19) *Public Nuisance/Disturbances.* It is unlawful to engage in or create a public nuisance or disturbance on Natural Lands.

(20) *Alcoholic Beverages.* It is unlawful to possess or consume alcoholic beverages, as defined in Section 561.01(4), Florida Statutes, on Natural Lands except when allowed by a special authorization permit.

(21) *Concessions and Sales.* It is unlawful to sell anything of value or operate concessions on Natural Lands without written approval from the County in accordance with the provisions of this Ordinance.

(22) *Unauthorized Facilities or Structures.* It is unlawful to construct or erect any facility or structure on Natural Lands unless authorized by a special authorization permit or as part of a County initiated land management activity.

(b) *Other Uses.* All uses of Natural Lands not specifically addressed in this Ordinance are prohibited unless permission is granted through a special authorization permit or consistent with the authorized uses promulgated by the County Manager or his or her designee after development of a master plan for the particular Natural Lands parcel.

(c) *Fees.* The County, by resolution, shall establish a fee schedule relating to the various permitted uses of Natural Lands

(Ord. No. 98-18, § 5, 3-10-98)

Sec. 190.156. Concessions on Natural Lands.

(a) Citizens and groups may propose to locate concessions on Natural Lands and such proposals will be considered under the following guidelines:

(1) The concession must assist the County in providing public uses of Natural Lands.

(2) The concession must be open to the public.

(3) The concession must be economically feasible.

(4) The concession must not result in unfair advantage over existing local businesses that provide similar goods or services.

(5) The concession must be in the public interest and have no adverse impact to natural resources.

(6) The concession must be in compliance with all laws, rules and regulations.

(b) The Board of County Commissioners shall determine whether or not to permit particular concessions on Natural Lands.

(Ord. No. 98-18, § 6, 3-10-98)

Sec. 190.157. Special authorization permits.

Any person may apply for a special authorization permit issued by the County Comprehensive Planning Manager or his or her designee to conduct activities not specifically permitted by this Part or set forth in the list of approved uses promulgated by the County. In issuing a Special Authorization Permit, the Comprehensive Planning Manager shall require that the activity is consistent with and furthers the adopted management plan and legislative intent of this Part.

(Ord. No. 98-18, § 7, 3-10-98)

Sec. 190.158. Easements.

(a) Any request for an easement over Natural Lands will be considered by the Comprehensive Planning or his or her designee in view of the following principles:

(1) The use of Natural Lands for utility or similar easements of a structural nature is not encouraged.

(2) An analysis must be provided to the County by the person or agency requesting the easement demonstrating why the easement cannot be located in such a manner as to avoid Natural Lands.

(3) To the maximum extent possible the easement shall be placed within an existing right-of-way, easement, roadway, fire line or along the Natural Lands boundary.

(4) The proposed easement must not fragment wetland or other functional habitat.

(5) The County must be fully compensated for the loss of intended use of the land within the proposed easement.

(6) The easement of use must further the public interest.

(b) All proposed grants of easements over Natural Lands shall be submitted to and considered for approval by the Board of County Commissioners.

(Ord. No. 98-18, § 8, 3-10-98)

Sec. 190.159. Revenues generated from Natural Lands/reports.

(a) All revenues generated from the use of Natural Lands shall be used to offset land management expenses relating to the Natural Lands program to the maximum extent practicable.

(b) The Comprehensive Planning Manager shall issue an annual report relating to all elements set forth in this Part with regard to the operations of the Natural Lands Program.

(Ord. No. 98-18, § 9, 3-10-98)

Sec. 190.160. Penalties.

Any person who violates any provision of this Part may be punished in accordance with Section 125.69, Florida Statutes.

(Ord. No. 98-18, § 10, 3-10-98)

Secs. 190.161--190.170. Reserved.

PART 5. SEMINOLE COUNTY TRAILS PROTECTION*

***Editor's note:** Ord. No. 2002-3, §§ 1--13, adopted January 30, 2002, did not specifically amend the Code; hence, inclusion as Part 5, §§ 190.171--190.183 was at the discretion of the editor.

Sec. 190.171. Title and legislative findings.

This Part shall be known as the "Seminole County Trails Protection Ordinance." The foregoing whereas clauses are incorporated herein and serve as the Board of County Commissioners of Seminole County's legislative findings in support of this Ordinance.

Sec. 190.172. Purpose and intent.

The purpose and intent of this Ordinance is to provide standards and procedures for the applications, permitting, construction and maintenance of crossings and other uses within the Seminole County Trails System in order to achieve the following:

- (a) Provide for a continuous regional alternative transportation and recreational network within Central Florida.
- (b) Preserve the function of each trail, which is to provide a safe facility for recreation and non-motorized transportation, including but not limited to single person battery operated devices utilized by persons with disabilities.
- (c) Provide for smooth, logical traffic-flow patterns.
- (d) Reduce conflicts between trail and vehicular traffic.
- (e) Allow for the application of safe geometric-design principles.
- (f) Provide for bicyclist, pedestrian, in-line skater, equestrian and other users' safety and enjoyment, where applicable.
- (g) Provide for environmental compatibility.
- (h) Protect trail corridors from private encroachments and detrimental or disruptive uses.
- (i) Protect the County's interest in properties owned or managed by the County that have been designated as trail corridors.
- (j) Provide a mechanism for owners of private property located along the trail system to have reasonable access to enter and exit such properties.

Sec. 190.173. Authority.

The County's authority to process applications for and, in some situations, approve permits for authorized activities within the Seminole County Trails System derives, in part, from the County's ownership and/or management of those corridors which form the Seminole County Trails System. The Seminole County Trails System is comprised of corridors owned by Seminole County, (i.e., Old State Road 13 (now known as the Flagler Trail)), corridors co-owned by Seminole County, (i.e., Seminole Wekiva Trail co-owned by the Florida Department of Transportation and Seminole County), and corridors owned by a State agency but managed by Seminole County, (i.e., the Cross Seminole Trail which is owned by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, leased to the Florida Department of Environmental Protection, Office of Greenways and Trails, and subleased to, and managed by, Seminole County).

Sec. 190.174. Definitions.

- (a) *Application review by the County* consists of review by the County Engineer, the Planning and Development Department Director, and the Library and Leisure Services Department Director, or their designees.
- (b) *Trail corridor* refers to State or County owned, leased, or managed natural or man-made linear feature, such as a river, stream, rail-trail, canal, stormwater way, or other route for passive recreation, education and scenic purposes and for connecting active or passive recreation, park land or open spaces.
- (c) *Trail* refers to the paved or unpaved path on which travel is directed and permitted within the trail corridor, by non-motorized vehicles and single person battery operated devices utilized by those with disabilities.
- (d) *Encroachment* refers to any physical structure without an appropriate permit, license, or written permission from the County Engineer, or the owners or managers of the trail corridor which crosses into a trail corridor from an adjacent property.
- (e) *Access* refers to an approved entry, exit or crossing of the Seminole County Trails System that conforms to this Part.
- (f) *Seminole County Trails System* refers to lands owned in full or in part or managed by Seminole County and designated as a trail corridor on the Seminole County, Florida Trails, Greenways, and Bikeways Master Plan, as same may hereafter be amended from time to time, a copy of which is on file with the Clerk of the Board of County Commissioners of Seminole County and incorporated herein by this reference.
- (g) *Access permit* is a non-exclusive, conditional permit providing for the construction and maintenance of one or more accesses into or across the Seminole County Trails Corridor.
- (h) *ADA* refers to the Americans with Disabilities Act of 1990, as amended, and accompanying regulations and requirements.
- (i) *Acknowledged access* refers to an access of the existing or future trail corridors which are agreed to by Seminole County, permitted, or in active use on October 1, 2001. Residential lots shall be permitted to claim as acknowledged access only one existing access per lot.
- (j) *Acknowledged utilities* refer to utilities located within an existing or future Trail Corridor which have been previously approved by Seminole County.

Sec. 190.175. Applicability.

All persons, firms, corporations, governmental units and other entities must obtain a permit for the construction, installation, or maintenance of any use specified herein. Nothing herein shall limit Seminole County's use of the Seminole County Trails System for recreational purposes or the use thereof by the State agencies that are owners or co-owners of the Seminole County Trails System for any use which will directly benefit the trail system. To this extent, any department or division of Seminole County other than the Engineering Division or the Parks and Recreation Division must have its proposed use of the trail area approved by the County Engineer.

Sec. 190.176. General procedure.

For those portions of the Seminole County Trails System owned in fee by Seminole County, or over which it has permitting authority, the permit application review and approval process shall be final upon the completion of the County's review and approval. For all other parts of the Seminole County Trails System, County and State approval is required by submittal of an application to the County Engineer to determine compliance with the policies set forth in this Ordinance, applicable management plans and the Seminole County Comprehensive Plan. If the application meets these

standards, the application shall be forwarded on to the appropriate State agency for its consideration. The permit shall issue upon receipt of concurrence from the applicable state agency.

Sec. 190.177. Access permit application to the County Engineer.

(a) Each Access Permit Application shall be accompanied by the appropriate fee as set by Resolution of the Board of County Commissioners of Seminole County and shall be submitted to the County Engineer. Trail Access Permits shall meet the specifications and guidelines set forth in the Land Development Code of Seminole County, the Seminole County Comprehensive Plan, the Seminole County Transportation Standards and all other applicable rules and regulations including design standards for trail crossings and use as determined by the County Engineer.

(b) Prior to approval of a permit, an applicant must provide, at the applicant's own expense, a boundary and topographic survey within the limits of the construction area to include locations within the construction area of trees of three inch diameter breast height (dbh) or greater, wetland delineation, if any, and locations of any known threatened or endangered species, signed and sealed by a Professional Surveyor/Mapper and appropriate environmental specialist licensed in the State of Florida and conceptual plans of the proposed use.

(c) Applicants must attach to the Permit Application any other permits which are necessary to construct the proposed access. Any permit issued shall be conditioned on the applicant's obtaining said permits.

Sec. 190.178. Application review by the County Engineer.

(a) The County Engineer shall be responsible for administering the permitting process set forth in this Ordinance and shall make permit applications available to interested applicants.

(b) An applicant for a permit shall submit four copies of an application to the County Engineer, or his or her designee. Upon receipt of the completed applications, the County Engineer shall immediately forward one copy of the application to the Planning and Development Department Director, one copy to the Library and Leisure Services Department Director and shall retain two copies of the application for his or her review. The County Engineer, the Planning and Development Department Director, and the Library and Leisure Services Department Director or their designees shall inspect the proposed permit area for site specific liability issues and potential impacts to natural, cultural, historic and archeological resources, and provide comments on areas of concern. The Planning and Development Department Director and the Library and Leisure Services Department Director shall, within 15 working days of receipt of the application, submit any comments in writing to the County Engineer for consideration. If the property involved is within the limits of a municipality, a copy of the application shall be forwarded to the appropriate municipality.

(c) After the County Engineer has completed the review, considering the comments of the Planning and Development Department Director and the Library and Leisure Services Department Director, and determined that the application meets the standards set forth in this Part, the County Engineer shall complete a list of Trail Access Permit Conditions which shall be a part of the permit to be issued. All permits to use trail corridors that are owned or co-owned by a State Agency shall state as follows: "This permit shall not become effective until such time that the appropriate State agency has concurred in this permit consistent with the agreements governing the management of the applicable Trail. The permittee further understands that County approval of this

permit does not entitle the permittee to begin construction of any access if other permits are required."

(d) The County Engineer shall prepare duplicate originals of the Trail Access Permit for execution by the applicant prior to the County Engineer's execution. Upon the applicant returning the executed originals, the County Engineer shall execute the Trail Access Permit on behalf of the County if the application meets the requirements set forth in this Ordinance. The County Engineer shall have final County approval authority over permit applications; provided, however, that an applicant may appeal the County Engineer's denial or conditional approval of an application to the Board of County Commissioners of Seminole County within 30 days of the date of the decision.

(e) Following the County Engineer's issuance of a permit relating to a trail corridor owned or co-owned by a State agency, both original copies of the permit application shall be forwarded to the appropriate State agency with a request for concurrence. If the State agency denies or wishes to modify the permit, the issuance of the permit will be withheld until such time as the County and the State agency can reach an agreement. No permit will be issued until all parties agree on the terms of the permit. If approved by the State agency, the agency shall retain one original copy and forward the other original copy to the County for distribution to the applicant.

Sec. 190.179. Standards of review.

The County Engineer shall apply the following standards in determining whether to grant or deny a Trail Access Permit Application:

(a) *Acknowledged access.* Accesses in active use as of October 1, 2001 are exempt from the permitting provisions of this Ordinance. If a residential property contains more than one access, the County Engineer shall require the affected property owner to designate one access which shall become the acknowledged access. Any additional accesses must be permitted in accordance with this Part.

(b) *Access crossings.* Permits may be granted to provide access for a property when there are no reasonable access alternatives other than the proposed access. Owners of property adjacent to a designated trail corridor and on which there is a trail crossing necessary to access the property or a portion of the property who are seeking to change their land use or zoning to a more intense category than the existing comprehensive plan contemplates as of the date this Part is adopted shall be required to submit plans as part of the development review process for review and discussions of crossing alternatives. The County Engineer shall not grant a Trail Access Permit to any property that has reasonable alternate access elsewhere on the boundary of the property or to property that was subdivided to eliminate access to right-of-way. Adjacent properties that each have a need for one or more accesses shall be encouraged to create one combined access providing joint access to, from, or across the trail.

(c) *Access structures.* Applications for a permanent trail access structure or installation other than driveways, i.e., footbridges or boardwalks, may be approved if the following determinations are made:

- (1) The proposed structure will not unreasonably impede flow on the trail corridor,
 - (2) The proposed structure will not have a negative impact on the public safety, welfare, or use of the trail corridor,
 - (3) The proposed structure will result in only minimal removal of any trees or vegetated screening materials in the trail corridor, and
 - (4) The proposed structure will not adversely impact or disturb flood prone areas.
- (5) All approved access structures must meet ADA requirements.

(d) *Utilities.* Public or private utilities of any kind may not be located within any designated trail corridor, but will be permitted to cross the trail as necessary to service

properties where the designated trail corridor runs between the property and the utility. Utility crossings shall be underground, if practicable from an engineering and environmental standpoint. Appeals of a denial of permission to cross shall be made to the Board of County Commissioners within 30 days of denial of permission by the County Engineer.

(e) *Historic and environmental preservation.* Applications may not be approved if important historic or environmental resources within the trail corridor are determined to be adversely affected by the proposed access. Applicants may be required to complete a survey of plants and wildlife including those species designated as endangered, threatened, or species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.00, Florida Administrative Code, utilizing the most current wildlife methodology guidelines published by the Florida Fish and Wildlife Conservation Commission and current information from the Florida Natural Areas Inventory. If an endangered or threatened species of special concern is determined to exist on site, then development may not proceed until the applicant obtains the necessary approvals from the appropriate jurisdictional agencies. Additionally, applicants must provide documentation from the Department of State identifying the presence of any listed historic or archaeological sites that may be adversely affected by the access. A site will be considered historic if it is so defined or listed under Florida law.

Sec. 190.180. Conditions.

(a) In addition to the conditions deemed necessary for permit approval by the County Engineer, each Trail Access Permit granted by the County Engineer shall be deemed to include the following terms and conditions:

(1) A new permit application shall be required if, in the determination of the County Engineer, there has been a change in the use of the property to which the permit provides access. These changes would include, but are not limited to, changes in zoning or land use designations controlling the property (except those initiated by governmental entities), submission of development plans to the appropriate governmental jurisdiction indicating an increase in density or intensity in the use of the property, and other similar circumstances.

(2) The term of the permit ends upon revocation of the permit by the County; on the date specified by the State, if any; or on the termination of the lease to the County by the Trustees of the Internal Improvement Fund. Permits are revocable by the County upon damage caused by the permittee to the trail corridor or any violation of the permit agreement resulting from use of the permit area not rectified by the permittee with four weeks of notification of such damage or violation by the County. Upon the County Engineer's written notification to the permittee, a permit is subject to cancellation and automatic termination by the County upon failure to correct the situation set forth in the written notice of damage or violation. Upon termination of a permit, unless waived by the County, the permittee shall restore, at the permittee's own cost the permit area to a condition like or better than the condition of the permit area upon the execution date of the permit. Upon termination of the permit, all authorization granted by the permit terminates. Upon a change to a more intensive land use, zoning, or development (unless initiated by a governmental agency), the permittee shall be required to reapply for a new permit, and said application shall only be required to address the access issues raised by the change of use of the property.

(3) Any construction shall be constructed at the cost and expense of the permittee, but in a manner and of materials as set forth in the Seminole County Land Development Code.

(4) Prior to construction of approved uses, the permittee must submit construction plans signed and sealed by a professional engineer licensed in the State of Florida to the County Engineer for approval. Plans shall include locations of trees of three-inch diameter breast height (dbh) or greater, if any, wetland delineation, and locations of any threatened or endangered species, if any.

(5) The permittee shall perform all construction at such times and in such a manner as to interfere to the least possible extent with the public's use of the trail. At all times a through-route of a minimum eight-foot width shall be provided for trail users. All construction within the trail corridor pursuant to a permit shall be completed within 30 days of commencement.

(6) Where Seminole County constructs improvements to an existing trail facility or a new trail facility which impacts accesses, Seminole County shall design such improvement or new facility so as to not adversely impact the access, if practical, or to minimize the impact, if some impact is unavoidable.

(7) Prior to construction of an approved access, the permittee shall have its surveyor mark the trail boundary line with highly visible tape and County-approved signage, at the permittee's expense, to ensure that the trail corridor is not damaged.

(b) Joint access. If adjacent property owners agree to execute a joint construction and use document, the property owners need only pay equal shares of the appropriate trail access permit fee(s) that would have been charged for the property with the highest intensity classification. Any trail access permit application fees required by the County may be waived when three or more adjacent property owners agree to share one access if the County Engineer finds and determines that the public interest is benefited thereby and that the public interest is commensurate with the granting of a fee waiver.

Sec. 190.181. Use of the permit area by a permittee.

(a) Permit uses shall be limited to the specific activities approved by the County in the permit.

(b) No trimming or removal of any vegetation, excluding normal grass mowing, within the Trail Corridor shall take place prior to permit approval or execution of a maintenance agreement.

(c) The permittee is solely responsible for all costs related to design and development of the public or private road/driveway crossing. No development shall take place prior to written County approval of the development plan. The County retains the right to enter into the permit area for trail development and management purposes.

(d) The permittee shall maintain the permit area in a safe and attractive manner, acceptable to the County. The permittee is fully responsible for all costs associated with the permitted use of the area.

(e) The permittee shall save and hold harmless and indemnify the County and the State of Florida against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to or death of any person or persons and from loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this permit, resulting from the negligent acts of the permittee, its contractor or invitees, or any of the employees, agents or representatives of the permittee, its contractor or invitees to the extent allowable by law.

(f) Permittees shall not do or permit anything to be done which purports to create a lien, encumbrance, or encroachment not identified in the permit of any nature against the Trail Corridor including, but not limited to, mortgages or construction liens against the Trail Corridor or against any interest of the County therein.

(g) Upon the County's discovery of unpermitted encroachments on a trail corridor owned or managed by the County, the adjacent property owner(s) will be notified by

certified mail of the discovery and will be permitted to submit a trail access permit application within 60 days of notification. If the application process is not initiated within this time frame, the County will move forward with removal of the encroachment. Costs of encroachment removal and administration of the removal process shall be borne by the encroachment owner. If the County denies the application, the applicant must remove the encroachment within 30 days of the denial date. If the applicant wishes to appeal staff's decision to deny an application to the Board of County Commissioners of Seminole County, the removal period may be extended until the Board of County Commissioners of Seminole County reaches a decision.

If an encroachment is located on a trail corridor owned or co-owned by another agency, the permittee will be required to follow any additional approval process designated by that agency.

Sec. 190.182. Oversight of Trail Fund.

(a) The Public Works Department, Engineering Division is charged with the oversight of the Trail Fund. The Director of the Fiscal Services Department shall deposit the following monies into such fund:

- (1) All fees collected pursuant to this Part.
 - (2) All monies collected by the County during the development approval process in lieu of sidewalk construction on roads abutting planned trails.
 - (3) All monies collected by the County during the development approval process for trail construction or maintenance.
- (b) The County Engineer may spend deposited monies for trail design, construction, or maintenance purposes only.

Sec. 190.183. Penalties.

(a) Violations of this Part shall be prosecuted in accordance with the provisions of Section 125.69(1), Florida Statutes (2000).

(b) Violations of this Ordinance are hereby declared to constitute irreparable harm, unable to be remedied at law, and therefore the County may seek injunctive relief if necessary to abate violations of this Part.

(c) Where a violation of this Part consists of tree damage or removal, the County may seek as a remedy that the offending party shall plant canopy trees approved by the County of four-inch diameter at breast height (dbh), at a distance of 40 feet on center. Where a violation of this Part consists of damage to or removal of the vegetative buffer, the County may seek as a remedy that the offending party shall replace the vegetative buffer with mixed native evergreen species approved by the County at a distance off five feet on center.

(d) In addition to the foregoing, the dumping or discarding of trash or litter upon any part of the trail system shall constitute a violation of this Part, and Seminole County shall impose a fine of up to the maximum amount permissible by law. Additionally, the Board of County Commissioners may from time to time impose